

CITY OF SAN JOSÉ, CALIFORNIA
 Department of Planning, Building and Code Enforcement
 801 North First Street, Room 400
 San José, California 95110-1795

Hearing Date/Agenda Number
 H.L.C. 03/05/03 Item 3.c.

File Number
 HP03-001

Application Type
 Historic Preservation Permit
 5 Spot, City Landmark No. HL02-121

Council SNI
 3 Washington

Planning Area
 Central

Assessor's Parcel Number(s)
 264-36-137

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Sally Notthoff Zarnowitz

Location: 869 South First Street

Gross Acreage: 0.23

Net Acreage: Net Density: n/a
 0.23

Existing Zoning: LI Light Industrial

Existing Use: Vacant eating establishment

Proposed Zoning: CP Commercial Pedestrian
 pending Director Initiated Rezoning C03-008

Proposed Use: eating establishment

GENERAL PLAN

Completed by: SNZ

Land Use/Transportation Diagram Designation
 GC General Commercial

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SNZ

North: Commercial and Light Industrial

LI Light Industrial

East: Commercial and Light Industrial

LI Light Industrial

South: Commercial and Light Industrial

LI Light Industrial

West: Light Industrial and Residential

LI Light Industrial/R-M Residential

Completed by: SNZ

☐ Environmental Impact Report found complete
☐ Negative Declaration circulated on
☐ Negative Declaration adopted on

☒ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: SNZ

Annexation Title: Original City

Date: 3/27/1850

PLANNING DEPARTMENT RECOMMENDATIONS

☐ Recommend Approval
☒ Recommend Approval with Conditions
☐ Recommend Denial

Date: _____

Approved by: _____

OWNER	DESIGNER
David Silva 1541 Norman Ave. San Jose CA 95125	John Knight/ Louie Ruiz, Designer P.O. Box 2702 Gilroy CA 95021
PUBLIC AGENCY COMMENTS RECEIVED	
Completed by: SNZ	
Department of Public Works	
None	
Other Departments and Agencies	
None	
GENERAL CORRESPONDENCE	
None	
ANALYSIS AND RECOMMENDATIONS	

BACKGROUND

The applicant, David Silva is requesting a Historic Preservation Permit to allow exterior changes in the rehabilitation of the 5 Spot Drive-In Restaurant Historic Landmark No.HL02-121.

A Conditional Use Permit is required for a public eating establishment in the LI Light Industrial Zoning District. However, a public eating establishment is a permitted use (allowed by right) in the CP Commercial Pedestrian Zoning District. The proposed rezoning to CP Commercial Pedestrian will bring the site into conformance with the General Plan designation for the site of General Commercial. Most importantly, the rezoning will facilitate the reopening of a City Landmark that has stood vacant for several years. Any site improvements or modifications to the building will be subject to further land use permits.

This site is located in the Washington Strong Neighborhoods Initiative (SNI) Area, and is discussed in the *Washington Neighborhood Revitalization Plan Update* (approved by City Council on June 4, 2002). The community supported the City Landmark designation, and documented their preference to reopen the building as an eating establishment. Mr. Silva plans to reopen the 5-Spot as an eating establishment.

The site is surrounded by a variety of industrial and commercial uses along both sides of South First Street. A light industrial use is located adjacent to the project site on Sutter Street, which in turn is adjacent to a residential neighborhood to the west of South First Street.

HISTORIC RESOURCE DESCRIPTION

The 5 Spot is a one-story drive-in restaurant building located at the corner of South First and Sutter Streets. Its style is referred to as “Coffee Shop Modern.” The first portion of the building was constructed in 1931 with additions and canopies added in 1951 and 1955. The alterations to The 5 Spot reflect the 1950s era. The Coffee Shop Modern style of The 5 Spot is a rare remaining example of a style popular in Southern California from the

1930s through the 1950s, representing a car-oriented culture. It is the early association of this site with this cultural pattern that is significant at the local City Landmark level.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15331 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is found to be exempt from environmental review in that the project is limited to the rehabilitation of a historical resource in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995), Weeks and Grimmer as well as the The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes (1996) Birnbaum.

GENERAL PLAN CONFORMANCE

The proposed project is consistent with the site's General Plan Land Use/Transportation Diagram designation of General Commercial. The proposed CP Commercial Pedestrian Zoning District is consistent with this designation and will allow appropriate use of the existing building. Additionally, the rehabilitation is consistent with the General Plan Historic, Archaeological and Cultural Resources Goal of the preservation of historically significant structures and districts in order to promote a greater sense of awareness and community identity and to enhance the quality of urban living.

PROJECT DESCRIPTION

The project proposes to: 1) pressure wash all existing masonry, 2) replace existing glazing, 3) refurbish existing side and rear metal clad diner doors, 4) replace existing non-historic aluminum front door with a compatible aluminum door, frame and repaired jalousie, 5) retain and restore historic conical roof sign, building-mounted front sign and free-standing neon sign, 6) remove historic metal painted "car-service" sign for interior use, 7) construct cement plaster in-fill panel at rear of building, and 8) install landscaping and driveway bollards with chains at the site's perimeter.

ANALYSIS

Design Review Subcommittee

The project came before the Historic Landmarks Commission Design Review Subcommittee in January of 2003. The subcommittee commended the project's progress and recommended that the owner: 1) retain the original metal panel rear door with panic hardware, 2) restore the glazing in the storefront wherever possible, 3) restore rather than replace the original metal panel side door, 4) maintain the original colors of the neon signage and 5) provide color samples and fence design details.

Secretary of the Interior's Standards

The primary project issue is conformance with the Secretary of the Interior's Standards for Rehabilitation.

(Standards) The project conforms to the Standards in general, and in particular to Standards No. 1, No. 6 and No. 9.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The project proposes to maintain the historical use of the property as an eating establishment in conformance with Standard No. 1.

The project proposes to refurbish and restore as much of the existing historic fabric of the building and signage as possible. A color palette that matches or is compatible with the historic colors has been provided for HLC review and inclusion on the final approved plan set. Because the glazing has been etched in graffiti with acid the glazing will be replaced while maintaining the original framing in the front and a compatible profile on the side of the building. The original front door has been replaced with an aluminum door, which has also been damaged. The owner is proposing to replace the door and frame with a compatible aluminum door and frame, while repairing the existing jalousie above in conformance with Standard No 6. In order to preserve the existing masonry in accordance with National Park Service Preservation Briefs: #1: *Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings*, #6: *Dangers of Abrasive Cleaning to Historic Buildings* and #38 *Removing Graffiti from Historic Masonry*, pressure-washing and the application of potentially damaging sealants should be avoided wherever possible. Repainting, steam cleaning and washing with natural bristle brushes is recommended.

The in-fill panel at the rear of the building will be finished in cement plaster in order to be differentiated from the structure's historic brick construction in conformance with Standard No. 9.

COMMUNITY OUTREACH

A public hearing notice for the project was published in a local newspaper and mailed to all property owners and tenants within 500 feet of the subject site. The proposed rezoning was also presented to Washington SNI Area community members at the February 13, 2003 meeting for the Washington Area Community Coalition. Staff has been available to discuss the proposals with members of the public.

RECOMMENDATION

Planning staff recommends that the Historic Landmarks Commission find that the proposal conforms to the Secretary of the Interior's Standards and recommend approval of the proposed alterations to the Director of Planning with standard and special conditions as follow:

1. Colors and materials presented to the Historic Landmarks Commission shall be included on approved plan set.
2. Include free-standing historic signage to be restored on plan set.
3. Clean and paint existing masonry in accordance with National Park Service Preservation Briefs: #1: *Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings*, #6: *Dangers of Abrasive Cleaning to Historic Buildings* and #38 *Removing Graffiti from Historic Masonry*, including
 - a) Avoid sealants for historic masonry, wherever possible
 - b) Where necessary, steam cleaning or washing of brick and ashlar with standard detergent and natural bristle brush
 - d) For any pressure washing procedures first use test patches to ensure safe pressure levels and provide a supervisor during washing to avoid acceleration of water pressure to damaging levels

Attachments:

- DPR
- Map